

### REMARKS

Favorable reconsideration and allowance of this application are requested.

By way of the amendment instructions above, independent claims 1 and 27 and several other original claims have been revised for the purpose of clarity. In this regard, independent claims 1 and 27 have been clarified to the extent that the substrate layer is a thermoplastic polyolefin (TPO), the clear coat layer is a polyvinyl fluoride (PVF), and the tie layer (which is interposed between the TPO substrate and PVF clear coat layers) is comprised of a linear styrene-ethylene/butylene-styrene backbone with at least about 0.5 wt% of maleic anhydride grafted onto the backbone.

Claims 2, 9-11 and 31-34 have been cancelled along with previously canceled claims 12-24. Thus, claims 1, 3-8 and 25-30 are now pending herein for which favorable reconsideration on the merits is requested. As will become evident from the discussion which follows, all pending claims are in condition for prompt allowance.

#### **I. Response to Art-Based Rejections**

Claims 1-9 and 25-34 attracted a rejection under 35 USC §103(a) as allegedly being unpatentable over WO 00/30849 in view of Smith et al (USP 6,187,233) while Hwang et al (USP 5,883,188) has been combined with Spain et al (USP 5,284,693) to reject claims 1-4 and 9-11 under 35 USC §103(a). Applicants respectfully suggest that none of the applied publications is appropriate as a reference against the presently pending claims.

In this regard, the WO '849 publication discloses a tie layer having a styrenic polymer backbone grafted with at last one polymerizable ethylenically unsaturated carboxylic acid which may be interposed between a first layer comprised of a polyolefin or a polystyrene composition and a second layer which is comprised of a **polyketone** composition.

While it is true that the secondary reference to Smith discloses a laminate containing TPO and PVF layers laminated to one another, it is equally true that Smith suggests that no tie layer is needed at all. In this regard, Smith at column 11, line 67 bridging column 12, line 1 discloses that "...pressure and heat caused the [TPO and PVF] layers to ***mechanically bond***." (emphasis added)

Hence, the WO '849 publication would not suggest to an ordinarily skilled person that the therein disclosed grafted styrenic polymer would or could be employed as a tie layer to adhesively bond a TPO layer and a PVF layer -- since WO '849 discloses that one of the layers must necessarily be a polyketone. Moreover, an ordinarily skilled person would not be appraised from Smith that a tie layer is desirable at all -- i.e., since Smith discloses that the layers are directly mechanically bonded to one another via heat and pressure. Thus, withdrawal of the 35 USC §103(a) based on WO '849 publication and Smith is in order.

Hwang et al and Spain et al likewise fail to render obvious the present invention. In this regard, applicant respectfully disputes the Examiner's characterization that Hwang et al "...discloses multilayer laminate comprising a printable layer and a thermoplastic polyolefin layer, wherein the paintable layer comprises a maleic anhydride modified SEBS block." Instead, applicant submits that the actual disclosure of Hwang et al relates to ***blending*** of components A, B and C, wherein component A is a modified polypropylene, component B may be a styrene block copolymer, and component C may be an interpolymer of ethylene and an  $\alpha,\beta$ -unsaturated carbonyl monomer. That components A-C are ***blended*** together is evident by the characterization of the components as a *composition*, and by the disclosure appearing at column 9, lines 58-60 that:

"The components of the composition of this invention are mixed with one another in any conventional manner that insures the creation of a ***relatively homogeneous blend***." (emphasis added)

Thus, Hwang et al self-evidently does not suggest to those ordinarily skilled in the art that the individual components A-C may be separate "layers" which are laminated one to another.

Spain et al fails to cure the glaring deficiency of Hwang et al as noted above. Specifically, applicants are not claiming to be the first inventors of employing a PVF clear coat layer *per se*. This is simply all that Spain et al can arguably be said to disclose. There is absolutely no suggestion at all in Spain that a PVF clear coat could be laminated with a TPO layer via a tie layer as defined in the present applicants invention. And, even if an ordinarily skilled person might somehow combine Hwang et al and Spain et al in the manner suggested by the Examiner, the present invention would not result since, as noted above, Hwang et al discloses a **blend** of components and **not** a series of laminated layers.

Withdrawal of the rejection advanced under 35 USC §103(a) based on Hwang et al and Spain et al is therefore likewise in order.

## II. Response to Double Patenting Rejection

Claims 1-4, 9-11 and 25-30 attracted a provisional rejection under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-34 of copending U.S. Application Serial No. 09/993,908 (hereinafter "the '908 application") in view of Hwang et al. Reconsideration and withdrawal of such rejection is requested.

Specifically, as the Examiner acknowledges, the claims of the '908 application do not explicitly claim the maleic anhydride modified styrene block copolymers for a tie layer to laminate TPO substrate and PVF clear coat layers one to another as defined in the claims of the subject application. The Examiner however asserts that Hwang et al makes it obvious to employ styrene block copolymers with up to 5 wt.% maleic anhydride in order "...to form **interlayers** with improved adhesion to paint or coatings." (Official action at page 3, lines 6-7, emphasis added).

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As discussed above, contrary to the Examiner's assertion, Hwang et al does *not* disclose any "interlayer" of employ styrene block copolymers with up to 5 wt.% maleic anhydride. Instead, Hwang et al teach that such a component should be *blended* with the other claimed components, including a graft-modified polypropylene, to form a homogeneous mixture thereof.

Thus, even if it is assumed that the '908 application somehow rises to the status of "prior art" (which of course it does not), the disclosure provided by Hwang et al would clearly not render "obvious" the presently claimed invention. As such, applicant suggests that the claims pending herein are patentably distinct over the claims presented in the '908 application so that the double patenting rejection that has been advanced should be withdrawn accordingly.

### III. Conclusion

Every effort has been made to advance prosecution of this application. Therefore, in view of the amendments and remarks presented herewith, it is suggested that this application is in condition for prompt allowance and Official Notice to that effect is solicited.

Respectfully submitted,

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